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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,605	10/23/2003	Sundaresan Ramamoorthy	200207938-1	6770

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HEWLETT PACKARD COMPANY  
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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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HOANG, DANIEL L

ART UNIT	PAPER NUMBER
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2136

NOTIFICATION DATE	DELIVERY MODE
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02/01/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/690,605	<b>Applicant(s)</b> RAMAMOORTHY ET AL.	
	<b>Examiner</b> Daniel L. Hoang	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

In view of the Appeal Brief filed on 11/13/07, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### ***Response to Arguments***

Applicant's arguments, see appeal brief pages 9-11, filed 11/13/07, with respect to the rejection(s) of claim(s) 1-8, 10-16, 18 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Li.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 10, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. Said claims recite the limitation, "non-security policy". Applicant's specification does not provide adequate support or any definition of what a non-security policy may entail. While, paragraph 19 of applicant's specification defines examples of several different policies, it does not define which are security policies and which are non-security policies. Said paragraph further cites that policy definitions other than those listed may be used. For purposes of examination, examiner interprets tracking and monitoring information as a non-security policy. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al., US PGP No. 20040193912, hereinafter Li.

#### **As per claims 1, 10, and 18, Li teaches:**

A system for implementing a policy in a network, said system comprising:

a plurality of device-agnostic policy implementation, in which the device-agnostic policy implementations include non-security policy implementations;

*[see paragraph 26] "Security policies are centrally stored in a policy repository. The data format of the security policies is in an intermediate format that is translated to formats that can be consumed and enforced on each of the security-enabled devices of the network."*

*[see paragraph 30] "a centralized policy feedback application or a policy feedback point module monitors and tracks the security threat information or event information."*

*Examiner is interpreting the monitoring and tracking of information as a "non-security policy implementation". This information may or may not be security related information but the type of information being monitored or tracked is irrelevant. The action of monitoring or tracking is viewed as non-security policy implementation, not the actual information being monitored or tracked.*

a plurality of network devices, at least two of said devices being dissimilar; and

*[see paragraph 27] "Security-enabled devices are any processing devices capable of enforcing security policies, such as, but not limited to, routers, network hubs, network bridges, switches, gateways, clients, servers, stand alone intelligent appliances, computing peripherals, and the like."*

a plurality of device translators, each device translator corresponding to a respective one of said plurality of network devices and one of said plurality of device-agnostic policy implementations, at least two of said device translators being dissimilar, each of said plurality of device translators translating said device-agnostic policy implementation into corresponding device-specific implementations.

*[see paragraph 28] "One or more policy decision translators interact with the policy repository to acquire, distribute, or push security policies to the appropriate security-enabled devices over the network. The policy decision translators include logic to convert the intermediate data format of the security policies to needed data formats that can be used by each of the security-enabled devices."*

### **As per claims 2 and 13, Li teaches:**

The system according to claim 1, wherein said device-agnostic policy implementation is selected from the group consisting of firewall, Virtual Private Network, Java 2 Enterprise Edition Application, and custom operating system.

*[see paragraph 20] "A PEP 113 can be an application or a device, such as a server, firewall, router, or any other computing device accessible over the network."*

### **As per claims 3 and 14, Li teaches:**

The system according to claim 1, wherein said device-agnostic policy implementation implements a policy selected from the group consisting of access control, quality of service, backup, and availability.

*[see paragraph 21] "The PFP 120 includes integrated feedback information obtained from intrusion detection systems (IDS), vulnerability scanners, and the like, which can all be PEPs themselves."*

Intrusion detection systems perform functions of access control.

**As per claims 4 and 12, Li teaches:**

The system according to claim 1, wherein said device translators are represented by Extensible Stylesheet Language (XSL) code.

*[see paragraph 17] "the policy translators are implemented as Extensible Style Sheet Language Transformation (XSLT) applications"*

**As per claims 5 and 11, Li teaches:**

The system according to claim 1, wherein said device-agnostic policy implementation is Extensible Markup Language (XML) code.

*[see paragraph 17] "The policy translators are implemented as Extensible Style Sheet Language Transformation (XSLT) applications, which use one or more Extensible Style Sheets (XSL) to render the security policies represented as XML in the policy repository."*

**As per claims 6, Li teaches:**

The system according to claim 3, wherein said policy is represented by Extensible Markup Language (XML) code.

*[see paragraph 14] "The security policies are stored in a relational database in a native Extensible Markup Language (XML) format."*

**As per claims 7 and 15, Li teaches:**

The system according to claim 1, wherein the device-specific implementation is represented by Command Line Interface (CLI) code.

*[see paragraph 21] "Pieces of the PFP can communicate in IDMEF, SNMP, or any other CLI or protocol required by a security-enabled device within the network."*

**As per claims 8 and 16, Li teaches:**

The system according to claim 1, wherein the device-specific implementation is represented by Application Programming Interface (API) code.

*[see paragraph 30] "Different components of the PFP are designed to communicate with the CLIs, APIs, and/or protocols recognized by specific security-enabled device applications."*

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li as applied to claim 1 above, and further in view of Young, US PGP No. 20050160361.

#### **As per claims 9 and 17,**

The Li reference has been discussed above. Li does not expressly teach:

The system according to claim 1, wherein the device-specific implementation is represented by Java code.

Young teaches:

*[see paragraph 57] "adaptation can be invoked via different programmatic paradigms (e.g., API, CLI) and can be invoked on a variety of different platforms including, but not limited to, a JAVA platform, an XML platform, a COM platform and an ODBC platform."*

Java is a general purpose high level programming language with a number of features that make the language well suited for use in the World Wide Web. It would be obvious to one of ordinary skill in the art which the subject pertains at the time of the invention to modify the Li reference to incorporate Java code in order to enable a common security policy configuration across heterogeneous enterprise networks.

## POINTS OF CONTACT

- \* Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulaney Street  
Alexandria, VA 22314

- \* Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

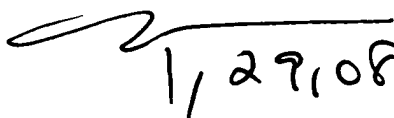
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel L. Hoang  
1/28/08

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1, 29, 08